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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,869

10/22/2003

Michael J. Wookey

30014200-1114

5872

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04/20/2006

SONNENSCHN NATH & ROSENTHAL LLP  
FOR SUN MICROSYSTEMS  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER

PHAM, MICHAEL

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,869	<b>Applicant(s)</b> WOOKEY, MICHAEL J.	
	<b>Examiner</b> Michael D. Pham	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. Claims 1 - 10 have been examined.
2. Claims 1 - 10 are pending.
3. Claims 1 - 10 are rejected as detailed below.

***Priority***

The application has claimed domestic priority. Therefore the application has been examined with an effective filing date of 5/12/2003.

***Drawings***

1. The drawings are objected to because they fail to show necessary textual labels of features or symbols in figure 2 as described in the specifications. For example, placing a label "Bus Manager" for figure 2 element 224 or more relational textual labels in figure 9 would give the viewer necessary detail to fully understand this element at a glance. A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83 37 CFR 1.84(n)(o) is recited below:

(n) *Symbols*. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if

they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) *Legends*. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **element 612 as described in the specification**. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the first, second, third, fourth data formats and data conversion steps in claim 1-10** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description<sup>1</sup>: **element 710 in figure 7**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the

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<sup>1</sup> Appears 0143 discloses but no reference to 710

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specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in **patent claims**, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract is essentially repeating claim 1. Correction is required. See MPEP § 608.01(b).

2. The specifications is objected to for minor informality. On page 45 line 16 or [0264], appears to be a typo for the word "First".

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3. The specification is objected to for minor informality. On page 21 lines 20-21 or [0137] it appears that the first appearance of 622 was to have meant to be 620.
4. The specifications is objected to for minor informality. On page 21 lines 11-12 or [0136] it appears what is meant is that step 616 is the validation step according to figure 6 and step 618 is the registering step. In [0136], it appears to suggest that 614 and 616 validate and register respectively.
5. The specifications is objected to for minor informality. On page 25 lines 1-5 or [0145] it suggests that 720 is a validating step; however from figure 7 it appears 716 is the validating step.
6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Objections***

Claims 4 and 8 are objected to because of the following informalities: the claims recites "subscriber does is unable". Appropriate correction is required. To expedite the prosecution the examiner assumes the word "does" is to be omitted in the claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6912539 by Kapitanski et. al. (hereafter Kapitanski) in view of U.S. Patent 6591272 by Williams (hereafter Williams).

**Claim 1:**

Kapitanski discloses **method in a data processing system having a program, the method comprising the steps of:**

**asynchronously receiving a data instance in a first format** [Col. 1 lines 55-65, discloses a format used in a database.];

**asynchronously receiving a copy of the data instance in a second format different than the first format** [Col. 1 lines 55-65, discloses converting data into different format (i.e. second format of the data instance). Col. 5 lines 60-65, asynchronously, entering in commands.];

**converting the data instance in the first format to the second format** [Col. 1 lines 55-65, conversion of a format (can be first) to another format (can be second).].



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Kapitanski discloses a third format [Col. 1 lines 55-65, conversion of a format (can be second) to another format (can be third format). ] however Kapitanski does not explicitly disclose

**providing a datatype of a third format for the data instance and the copy of the data instance, each datatype having a metadata in the third format that describes the respective data instance and a reference in the third format to the respective data instance, the data instances being maintained separately from the datatypes, the third format being recognizable to a subscriber of the data instances to enable the subscriber to concurrently process the data instance in the first format and the copy of the data instance in the second format.**

On the other hand, Williams discloses translation of database content into objects. Williams further stating that skeleton code templates representative of final classes to be produced are accessed and merged into a standard view, and that the source code for the class of objects is then generated. At runtime, data objects encapsulate metadata and data values (Abstract). Williams further disclosing (Col. 5 lines 17-29), that the data types in the relational databases are normalized into a standardized form to prepare the data for transmission to the requestor object. The metadata and normalized pseudo-object data are transmitted from the server computer to the client (Col. 5 lines 17-29). The client then receives the object according to a format that is required by the software on the client computer.

Both inventions are directed towards changing one database format into another. It would have been obvious to one of ordinary skill to have modified Kapitanski to have included

**providing a datatype of a third format for the data instance and the copy of the data instance, each datatype having a metadata in the third format that describes the respective data instance and a reference in the third format to the respective data instance, the data instances being maintained separately from the datatypes, the third format being recognizable to a subscriber of the data instances to enable the subscriber to concurrently process the data instance in the first format and the copy of the data instance in the second format**

based on the disclosure of Williams. A skilled artisan would have been motivated to do so for the purpose of assembling data interrelationships and datatypes into a standardized view of the database schemas and the plurality of all the possible logical objects contained therein in the databases are created [Williams, Col. 4 lines 54-58].

**Claim 2:**

As to claim 2, Kapitanski discloses **wherein the second format is the same as the third format** [Col. 4 lines 31-38, where the system receives the command identifiers of the database programs designated by the user on which the user desires the command to be executed copies or reformats the command into the correct language or dialect for each designated database system, and for each database forwards the command copied or reformatted for that database system to that database system for execution. That is, a second format can be a third format.].

**Claim 3:**

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As to claim 3, Kapitanski discloses, **wherein the step of converting the data instance in the first format to the second format further comprises:**

**converting the data instance in the first format to a fourth format** [Col. 1 lines 55-65, able to convert data from a format into what is designated as a fourth format]; and **converting the data instance in the fourth format to the second format** [Col. 1 lines 55-65, able to convert from what is designated as a fourth format into what is designated as to a second format.].

**Claim 4:**

As to claim 4, Kapitanski discloses, **wherein the subscriber does is unable to recognize the first format** [Col. 6 lines 8-15 and col. 6 lines 29-34, corresponding database program is identified otherwise ignored.]

**Claim 5:**

As to claim 5, claim 5 contains similar limitations as to claim 1 except it claims a system. Accordingly, claim 5 is rejected for the same reasons as claim 1.

**Claim 6:**

As to claim 6, claim 6 contains similar limitations as to claim 2 except it claims a system. Accordingly, claim 6 is rejected for the same reasons as claim 2.

**Claim 7:**

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As to claim 7, claim 7 contains similar limitations as to claim 3 except it claims a system.

Accordingly, claim 5 is rejected for the same reasons as claim 3.

**Claim 8:**

As to claim 8, claim 8 contains similar limitations as to claim 4 except it claims a system.

Accordingly, claim 8 is rejected for the same reasons as claim 4.

**Claim 9:**

As to claim 9, claim 9 contains similar limitations as to claim 1 and is therefore rejected for similar reasons. The only difference is that it claims memory having a program and a processing unit to run the program. However, Kapitanski discloses that the program can be stored in memory and executed by a processor [Col. 3 lines 30-35].

**Claim 10:**

As to claim 10, claim 10 contains similar limitations as to claim 1 and is therefore rejected for the same reasons.

***Conclusion***

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham  
Art Unit 2167  
Examiner  
04/13/2006



Debbie Le  
Art Unit 2168  
Primary Examiner  
04/13/2006

